

1 AN ACT in relation to public employee benefits.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Pension Code is amended by
5 changing Section 7-152 as follows:

6 (40 ILCS 5/7-152) (from Ch. 108 1/2, par. 7-152)

7 Sec. 7-152. Disability benefits - Amount. The amount of
8 the monthly temporary and total and permanent disability
9 benefits shall be 50% of the participating employee's final
10 rate of earnings on the date disability was incurred, subject
11 to the following adjustments:

12 (a) If the participating employee has a reduced rate of
13 earnings at the time his employment ceases because of
14 disability, the rate of earnings shall be computed on the
15 basis of his last 12 month period of full-time employment.

16 (b) If the participating employee is eligible for a
17 disability benefit under the Federal Social Security Act, the
18 amount of monthly disability benefits shall be reduced, but
19 not to less than \$10 a month, by the amount he would be
20 eligible to receive as a disability benefit under the Federal
21 Social Security Act, whether or not because of service as a
22 covered employee under this Article. The reduction shall be
23 effective as of the month the employee is eligible for Social
24 Security disability benefits. The Board may make such
25 reduction if it appears that the employee may be so eligible
26 pending determination of eligibility and make an appropriate
27 adjustment if necessary after such determination. If the
28 employee, because of his refusal to accept rehabilitation
29 services under the Federal Rehabilitation Act of 1973 or the
30 Federal Social Security Act, or because he is receiving
31 workers' compensation benefits, has his Social Security

1 benefits reduced or terminated, the disability benefit shall
2 be reduced as if the employee were receiving his full Social
3 Security disability benefit.

4 (c) If the employee is over age 65, was not eligible for
5 a Social Security benefit immediately before reaching age 65
6 and is eligible for a Social Security old-age insurance
7 benefit, the amount of the monthly disability benefit shall
8 be reduced, but not to less than \$10 a month, by the amount
9 of the old-age insurance benefit to which the employee is
10 entitled whether or not the employee applies for the Social
11 Security old-age insurance benefit. This reduction shall be
12 made in the month after the month in which the employee
13 attains age 65. However, if the employee was receiving a
14 Social Security disability benefit before reaching age 65,
15 the disability benefits after age 65 shall be determined
16 under subsection (b) of this Section.

17 (d) The amount of disability benefits shall not be
18 reduced by reason of any increase, other than one resulting
19 from a correction in the employee's wage records, in the
20 amount of disability or old-age insurance benefits under the
21 Federal Social Security Act which takes effect after the
22 month of the initial reduction under paragraph (b) or (c) of
23 this Section.

24 (e) If the employee in any month receives compensation
25 from gainful employment which is more than 25% of the final
26 rate of earnings on which his disability benefits are based,
27 the temporary disability benefit payable for that month shall
28 be reduced by an amount equal to such excess.

29 (f) An employee who has been disabled for at least 30
30 days may return to work for the employer on a part-time basis
31 for a trial work period of up to one year, during which the
32 disability shall be deemed to continue. Service credit shall
33 continue to accrue and the disability benefit shall continue
34 to be paid during the trial work period, but the benefit

1 shall be reduced by the amount of earnings received by the
 2 disabled employee. Return to service on a full-time basis
 3 shall terminate the trial work period. The reduction under
 4 this subsection (f) shall be in lieu of the reduction, if
 5 any, required under subsection (e).

6 (g) Beginning January 1, 1988, every total and permanent
 7 disability benefit shall be increased by 3% of the original
 8 amount of the benefit, not compounded, on each January 1
 9 following the later of (1) the date the total and permanent
 10 disability benefit begins, or (2) the date the total and
 11 permanent disability benefit would have begun if the employee
 12 had been paid a temporary disability benefit for 30 months.

13 (h) Beginning January 1, 2002, the basic disability
 14 benefit for a sheriff's law enforcement employee whose
 15 disability is the result of sickness, accident, or injury
 16 incurred in or resulting from the performance of an act of
 17 duty shall be 65% of the employee's final rate of earnings on
 18 the date the disability was incurred, rather than the 50%
 19 otherwise provided under this Section. A sheriff's law
 20 enforcement employee who meets the requirement of this
 21 subsection (h) and is receiving a disability benefit on that
 22 date shall have the benefit increased accordingly.

23 (Source: P.A. 87-740.)

24 Section 90. The State Mandates Act is amended by adding
 25 Section 8.25 as follows:

26 (30 ILCS 805/8.25 new)

27 Sec. 8.25. Exempt mandate. Notwithstanding Sections 6
 28 and 8 of this Act, no reimbursement by the State is required
 29 for the implementation of any mandate created by this
 30 amendatory Act of the 92nd General Assembly.

31 Section 99. Effective date. This Act takes effect upon

1 becoming law.